

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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BRIAN ROGERS,

Plaintiff

v.

MORAN TOWING & TRANSPORTATION CO., INC.,

Defendant

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CIVIL ACTION NO. 04-11448-RCL

**AFFIDAVIT OF ALAN L. MARCHISOTTO IN SUPPORT OF MOTION OF  
DEFENDANT MORAN TOWING CORPORATION  
TO TRANSFER THIS ACTION**

Alan L. Marchisotto deposes and says as follows under the penalties of perjury:

1. I am Vice President and General Counsel of Moran Towing Corporation ("Moran"). Moran is a New York corporation, whose principal place of business is located at 50 Locust Avenue, New Canaan, Connecticut 06840-4737. The tug JAMES TURECAMO, on which plaintiff Brian Rogers claims he was injured while serving as a crewmember on two separate occasions, February 12 and July 24, 2003, was then and is now owned by Moran Towing Corporation. Moran Towing Corporation has a division called "Moran Towing & Transportation," but it is not a separate corporation. There is no legal entity named "Moran Towing & Transportation Co., Inc.," as plaintiff has called the defendant in this case.

2. Moran has no place of business in Massachusetts, nor does it have bank accounts or own real estate or other property there. Moran is not registered to do business in Massachusetts, has no telephone listing in Massachusetts, and has no employees or agents in Massachusetts. Moran does national advertising, but does not do any local advertising in Massachusetts or any advertising targeted to potential customers in Massachusetts. Moran does not solicit business in Massachusetts, although Moran's salespeople occasionally visit potential or actual customers in Massachusetts.

3. Moran's tugs and barges travel to Massachusetts on some occasions when they are ordered to do so by entities that have chartered Moran's vessels or entered into towage contracts with Moran, but Moran has no control over the itineraries or destinations selected by its customers.

**I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT. EXECUTED ON THIS 23RD DAY OF DECEMBER 2004.**

/s/ ALAN L. MARCHISOTTO  
Alan L. Marchisotto,  
Vice President and General Counsel